

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ALVERENE BUTLER,**

**Plaintiff,**

**v.**

**ALABAMA DEPARTMENT OF  
TRANSPORTATION, *et al.*,**

**Defendants.**

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**CASE NO. 2:06-cv-00278-MEF-CSC**

**DEFENDANTS' PROPOSED VERDICT FORM**

**Race Discrimination Claim**

1. Has Alverene Butler proved by a preponderance of the evidence that her race was a motivating factor for the decision by the Alabama Department of Transportation to take an adverse employment action against her, even though other factors may have also motivated the Department?

Yes \_\_\_\_\_

No \_\_\_\_\_

If the answer to 1 is "no," then you will have found that Butler may not recover damages against the Department on this claim, and you need not answer question 2, but should go directly to question 3. If the answer to question 1 is "yes," then you should answer question 2.

2. Has the Alabama Department of Transportation proved by a preponderance of the evidence that it would have taken the same adverse employment action against Butler even in the absence of the factor of her race?

Yes \_\_\_\_\_

No \_\_\_\_\_

If the answer to number 1 is “yes” and the answer to number 2 is “no,” then you will have found that Butler may recover against the Department on this claim.

**Retaliation Claim**

3. Has Alverene Butler proved by a preponderance of the evidence that her complaints about her treatment based on her race were a motivating factor for the decision by the Alabama Department of Transportation to take an adverse employment action against her, even though other factors may have motivated the Department?

Yes \_\_\_\_\_

No \_\_\_\_\_

If the answer to 3 is “no,” then you will have found that Butler may not recover damages against the Department on this claim, and you need not answer question 4, but should go directly to question 5. If the answer to question 3 is “yes,” then you should answer question 4.

4. Has the Alabama Department of Transportation proved by a preponderance of the evidence that it would have taken the same adverse employment action against Butler even in the absence of the factor of her race?

Yes \_\_\_\_\_

No \_\_\_\_\_

If the answer to number 3 is “yes” and the answer to number 4 is “no,” then you will have found that Butler may recover against the Department on this claim.

**Damages**

5. If you find that Butler may recover on either or both of her claims against the Alabama Department of Transportation, how much may she recover in compensatory damages?

a. Emotional distress \$\_\_\_\_\_

b. Lost earnings and benefits \$\_\_\_\_\_

SO SAY WE ALL.

DONE, this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Foreperson

RESPECTFULLY SUBMITTED  
TROY KING  
ATTORNEY GENERAL

s/ G. Robert Prescott, Jr.  
Jim R. Ippolito, Jr. (IPP001)  
Assistant Attorney General  
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<b>Plaintiff,</b>	)	
<b>v.</b>	)	
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<b>ALABAMA DEPARTMENT OF</b>	)	
<b>TRANSPORTATION, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on **May 25, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system, which will send notification to the following:

Mr. Jay Lewis, Esq.  
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ATTORNEY FOR PLAINTIFF

s/ G. Robert Prescott, Jr. \_\_\_\_\_  
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